

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
CIVIL LAW & MOTION MINUTE ORDER**

CASE NO. C-10-03561-WHA (DMR)

CASE NAME: Oracle America Inc. v. Google Inc.

MAGISTRATE JUDGE DONNA M. RYU

COURTROOM DEPUTY: Ivy Garcia

DATE: 5/31/2011 **TIME:** 11:31 a.m. -1:15 p.m.

COURT REPORTER: Raynee Mercado

COUNSEL FOR PLAINTIFF:

Daniel Muino
Jessica Tipton
Steven Holtzman
Marc Peters

COUNSEL FOR DEFENDANT:

Bruce Baber
Renny Hwang
Steven Snyder
Scott Weingaertner
Christa Anderson

PROCEEDINGS: Discovery Hearing HELD

RULING:

1. Plaintiff's Administrative Motion to file Under Seal Exhibits A, B, & D to Declaration of Dorian Daley
2. Plaintiff's request to grant the following Designated House Counsel access to attorneys' eyes only ("AEO") information pursuant to the Protective Order:

GRANTED

A. Dorian Daley

DENIED

B. Deborah Kay Miller

GRANTED ACCESS TO AEO
INFORMATION, BUT NO ACCESS TO
CONTRACTS WITH CARRIERS OR
HARDWARE MANUFACTURERS

C. Matthew Sarboraria

GRANTED ACCESS TO AEO
INFORMATION, BUT NO ACCESS TO
CONTRACTS WITH CARRIERS OR
HARDWARE MANUFACTURERS

D. Andrew Temkin

FURTHER INFORMATION REQUIRED

By no later than 5:00 p.m. on 6/1/11, Plaintiff shall file a detailed supplemental declaration setting forth the job duties of Andrew Temkin so that the Court may determine whether he is involved in competitive decision-making. Among other things, the declaration shall elucidate the earlier ambiguous statements regarding Temkin's duties that were discussed during oral argument. The declaration shall also set forth the facts supporting Temkin's need to view AEO information.

By no later than 5:00 p.m. on 6/3/11, Defendant shall file a letter brief explaining why Andrew Temkin should not be given access to AEO information. Defendant's letter brief may not exceed 2 ½ pages. The matter will be deemed submitted on the papers.

Defendant shall promptly provide Plaintiff with a list of AEO contracts with carriers or hardware manufacturers that Defendant contends should not be shown to Miller or Sarboraria.

Parties shall meet and confer regarding the appropriate means for maintaining security of AEO information without unduly burdening or inconveniencing either party.

cc: **Chambers**

* (T) = Telephonic Appearance